

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant is adding new claims 11-15. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on April 6, 2005.

Art Rejections

1. Claims 1, 2 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Knickerbocker (WO 84/01356).

2. Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolter et al. (US 5,692,650) in view of Mascitelli (US 5,642,908) and further in view of Nairn et al. (US 5,101,993) or Knickerbocker (WO 84/01356).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1, 2 And 9 In View Of Knickerbocker (WO 84/01356).

In rejecting claims 1, 2 and 9 in view of Knickerbocker (WO 84/01356), the grounds of rejection state:

Knickerbocker discloses, in figs. 1 and 2, a fastener device (12) for fastening a fluid dispenser member (30) on a reservoir neck (34) having an inner wall and a top end-wall (32), said fastener device including receiver means (26) adapted to receive a dispenser member in secure manner, and fastener means (16) capable of becoming engaged with the reservoir neck, the fastener means including an adhesive-coated application zone (32) capable of coming into contact with the reservoir neck, said device being characterized in that the adhesive-coated application zone (32) is designed to come into contact with the top end-wall (32) of the neck.

Office Action at page 2. Applicant respectfully disagrees.

Knickerbocker does not disclose the use of an adhesive to fasten the fastener device (cup) on a reservoir's neck. Rather, Knickerbocker discloses a metal mounting cup for fastening a valve on an aerosol container. The cup is completely coated in a plastic material which can be heated to a high temperature (about 315°C). A portion of the plastic material coating under the mounting rim 16 forms a seal with bead 34 between the cup and the container.¹ The plastic material (e.g. polyethylene, propylene, vinyl, nylon, acetate) is melted onto the metal surface and is not an adhesive or glue for fastening the device to the reservoir neck. Indeed, heating the plastic material to high temperatures would be harmful to the fluid to be dispensed.

¹ Likewise, in Fig. 2 of Knickerbocker, gasket 32 merely provides a seal and is not an adhesive that fastens the rim 16 to the bead 34. To the contrary, the gasket 32 is first cured.

In view of at least the foregoing distinction, claim 1 and claims 2 and 9 cannot be anticipated by Knickerbocker and the Examiner is kindly requested to reconsider and withdraw the rejection.

Claim Rejections - 35 U.S.C. § 103

1. Claims 1-10 Over Wolter et al. (US 5,692,650) In View Of Mascitelli (US 5,642,908) And Further In View Of Nairn et al. (US 5,101,993) Or Knickerbocker (WO 84/01356).

In rejecting claims 1-10 over Wolter et al. in view of Mascitelli and further in view of Nairn et al. or Knickerbocker, the grounds of rejection state:

Wolter et al. discloses, in fig. 2, a fastener device 12 comprising for fastening a fluid dispenser member substantially as claimed, except Walter et al. do not disclose an adhesive-coated application zone or a sealing zone contacting with the top end-wall of the neck.

Mascitelli teaches, in fig. 3, a fastener device 12 comprising a sealing zone 6 contacting with top end-wall of a neck of a container.

Main et al. or Knickerbocker teach a sealing zone of a fastener device being adhesive coating.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fastener device of Wolter et al. with a sealing zone contacting with the top end-wall of the neck with a seal comprising adhesive coating, in view teaching of Mascitelli and further in view of Nairn et al. or Knickerbocker, in order to enhance the sealing between the fastener device and the container.

Office Action at page 3. Applicant respectfully disagrees.

Wolter et al. discloses a dispensing device having a discharging apparatus whose body, including a pump casing unit, is plunged in a vessel with a locking flange. The mounting flange

is directly supporting and sealing the body 12 of the discharging apparatus (Col. 12, ll. 28-31). The body 12 projects over the outside of the storage vessel, surrounding the mounting flange of the vessel opening (Col. 2, ll. 47-50). The securing means of the discharging apparatus are constructed as plugging means, brought into their final securing engagement by force into the opening of the mounting flange in the manner of a stopper (Col. 3, ll. 57-63 and Col. 7, ll. 7-16).

Thus, Wolter et al. clearly does not disclose fastener means including an adhesive-coated application zone designed to come into contact with the top end-wall of the neck. Nor does this reference disclose any deficiency with its mounting flange.

Mascitelli discloses a sleeve for the fixing of a pump to a bottle neck enlarged at the mouthpiece. The upper part 1a of the sleeve has tubular elements: one external tubular element for receiving a metallic covering and an internal tubular element for receiving and restraining the pump, and a base transversal element resting on the mouthpiece. An annular gasket is interposed between the base transversal element and the mouthpiece. The lower tubular part 1b of the sleeve is to be inserted around the mouthpiece and is held in place in an undercut 4a by means of rounded projecting parts projecting internally from the part 1b.

Thus Mascitelli also clearly does not disclose fastener means including an application zone. Even if the base transversal element is considered as an application zone, it is neither adhesive-coated, nor designed to come into contact with the top end-wall of the neck (mouthpiece). On the contrary, the interposition of a gasket is required to guarantee the sealing both between the dispenser member and the neck, and between the sleeve and the neck.

Furthermore, as with Wolter et al., there is no disclosure in Mascitelli of any deficiency with respect to the use of the gasket disclosed in this patent.

Nairn et al. discloses the use of sealing material applied on the top land surface of the neck of a container. When screwing a base portion (having the shape of a shoulder) of a closure around the neck, the sealing material (thermoplastic-type hot melt adhesives) may fill in any gaps or imperfections between the top land surface 14 of the neck and the opposing underside of the base portion 36.

Contrary to the present invention, fastening is not achieved by the application zone (the underside of the base portion), but by the internal side wall of the base portion being screwed on the external side wall of the neck. The sealing mechanism, taken alone (i.e. without the further intervention of screwing) and such as being described in Nairn et al. does not fasten the base portion to the neck. Moreover, there is no disclosure in Nairn et al. of any deficiency with respect to the use of its sealing mechanism.

Finally, as noted above, Knickerbocker does not disclose the use of an adhesive to fasten the fastener device (cup) on a reservoir's neck.

In summary, in each of the foregoing cited documents, the fastening function is always dissociated from the sealing function. As such, even if one skilled in the art were to have carried out the modifications implied in the ground of rejections, the resulting structure would not have all the claimed features.

Moreover, the fixing dispensing members of these documents are not compatible such that one skilled in the art would not have found it obvious to carry out the modifications in the first place:

- one being firmly plugged within the reservoir's neck, in a sealing but removable manner,
- another being snap-fastened around the reservoir's neck and retaining a sealing gasket somewhere else;
- the last one being screwed around the external side wall of the neck, while sealing the top end of the neck.

The combination of these documents, even if considered collectively, would certainly not have made the structure of claim 1 obvious to a person skilled in the art.

One skilled in the art would not have found it obvious to include an application zone that is both adhesive-coated and designed to come into contact with the top end-wall of the neck, in order to guarantee that a same application zone simultaneously achieves the fastening and sealing functions, and without the need of applying a harmful heating to the fluid to be dispensed.

In view of at least the foregoing distinctions, claims 1-10 are believed to be patentable and the Examiner is kindly requested to reconsider and withdraw the rejection.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 11-15. These claims are believed to be allowable at least because the applied

documents do not teach or suggest at least the feature of a fastener configured to engage the reservoir neck, the fastener comprising an adhesive configured to create a leaktight seal between the fastener and the reservoir neck and to adhere to the reservoir neck so as to fasten and hold the fastener device to the reservoir neck.

Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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